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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,861	10/06/2003	Craig Ogg	61135/P023US/10303235	3194
29053 7590 03/22/2011 FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
			NOTIFICATION DATE 03/22/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

doipdocket@fulbright.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/679,861

Applicant(s)

OGG, CRAIG

Examiner

AKIBA K. ROBINSON BOYCE

Art Unit

3628

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 02 February 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
b) ☐ They raise the issue of new matter (see NOTE below);
c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-7-9-13, 15-22 and 29-42.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628

Continuation of 11, does NOT place the application in condition for allowance because: Examiner maintains her arguments that col. 2, line 66-col. 3, line 16, shows that when a user inputs a password for network meter access, idle time is being monitored, and therefore, for the network meter access feature, when enforced, this idle time represents "a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage" since "if the continuous idle time exceeds an idle time limit, the vault is placed in an non-operational state" as shown in col. 3, lines 14-16, and the user therefore would not be able to use the meter at this time. The passages cited by examiner also suggest restricting all password authenticated users since the vault state becomes non-operational as a result of idle time reaching a time limit. In addition, examiner maintains that prior art teaches "wherein the processor of the meter receiving said user parameter controls an ability of the particular user associated with the user parameter to evidence postage using the receiving meter in accordance with the received user parameter and at least one of the meter parameters stored by the receiving meter." since in col. 3, lines 5-20, "a user password that is required to operate the vault in the respective mode. Each user of the vault is provided with one or more passwords corresponding to the access level assigned to the user. When the vault becomes operational a normal mode password is required to place the vault in normal mode. Once operational, whenever a command is received by the vault for a function corresponding to the manufacturing mode, the service mode or the privileged mode the command must be accompanied by a respective user password" is taught. In addition, because the operability of the meter depends on determining if an Idle state is over a limit, as already disclosed above in the rejection and arguments, evidencing...if said determining is affirmative...based on at least one of said postage meter's meter parameters is suggested since postage would not be able to be evidenced if the Idle state goes over a limit and the operation of the vault, and therefore, the ability to determine if sufficient postage is available would not be affirmative. Finally, since Lee et al discloses that users have different access privileges that depend on the user's password, as disclosed in col. 3, lines 1-20, this represents a usage threshold since these privileges correspond to operational modes of the vault, which are assigned a hierarchy. In addition, since Lee et al discloses the idle time exceeds an idle time limit, this meter parameter defines a usage threshold since Lee et al suggest that during idle time, while the vault is operational, users have the ability to enter in their passwords and to the system.